



[4337-15]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900]

Rate Adjustments for Indian Irrigation Projects

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) owns or has an interest in irrigation projects located on or associated with various Indian reservations throughout the United States. We are required to establish irrigation assessment rates to recover the costs to administer, operate, maintain, and rehabilitate these projects. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation projects and facilities to reflect current costs of administration, operation, maintenance, and rehabilitation.

DATES: The irrigation assessment rates are current as of January 1, 2019.

FOR FURTHER INFORMATION CONTACT: For details about a particular BIA irrigation project or facility, please use the tables in the SUPPLEMENTARY INFORMATION section to identify contacts at the regional or local office at which the project or facility is located.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rate Adjustment was published in the **Federal Register** on December 21, 2018 (83 FR 65714) to propose adjustments to the irrigation assessment rates at several BIA irrigation projects. The

public and interested parties were provided an opportunity to submit written comments during the 60-day period that ended February 19, 2019. A Correction Notice of Proposed Rate Adjustment was published in the **Federal Register** on February 7, 2019 (84 FR 2564) to correct proposed adjustments to the Fort Hall – Michaud Unit 2019 and 2020 O&M Rates; to correct proposed adjustments to the Pine River Irrigation Project 2018 and 2020 O&M Rates; and to correct the table heading on page 65718 to read “Western Region Rate Table” rather than “Northwest Region Rate Table.”

Did BIA defer or change any proposed rate increases?

No. BIA did not defer or change any proposed rate increases.

Did BIA receive any comments on the proposed irrigation assessment rate adjustments?

No. BIA did not receive any comments on the proposed irrigation assessment rate adjustments.

Does this notice affect me?

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects or if you have a carriage agreement with one of our irrigation projects.

Where can I get information on the regulatory and legal citations in this notice?

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at www.gpo.gov.

What authorizes you to issue this notice?

Our authority to issue this notice is vested in the Secretary of the Interior

| | |
|------------------------------------|---|
| Blackfeet Irrigation Project | Thedis Crowe, Superintendent Greg Tatsey, Irrigation Project Manager Box 880 Browning, MT 59417 Telephones: (406) 338-7544 Superintendent (406) 338-7519 Irrigation Project Manager |
| Crow Irrigation Project | Clifford Serawop, Superintendent Jim Gappa, Acting Irrigation Project Manager (Project operation & maintenance performed by Water Users Association) P.O. Box 69 Crow Agency, MT 59022 Telephones: (406) 638-2672 Superintendent (406) 247-7998 Acting Irrigation Project Manager |
| Fort Belknap Irrigation Project | Mark Azure, Superintendent Jim Gappa, Irrigation Project Manager (BIA) (Project operation & maintenance contracted to Tribes under PL 93-638) R.R.1, Box 980 Harlem, MT 59526 Telephones: (406) 353-2901 Superintendent (406) 353-8454 Irrigation Project Manager (Tribal Office) |
| Fort Peck Irrigation Project | Howard Beemer, Superintendent Jim Gappa, Acting Irrigation Project Manager (Project operation & maintenance performed by Water Users Association) P.O. Box 637 Poplar, MT 59255 Telephones: (406) 768-5312 Superintendent (406) 653-1752 Huber Wright – Lead ISO |
| Wind River Irrigation Project | Trish Perry, Acting Superintendent Jim Gappa, Acting Irrigation Project Manager (Project operation & maintenance for Little Wind, Johnstown, and Lefthand Units contracted to Tribes under PL 93-638; Little Wind-Ray and Upper Wind Units operation & maintenance performed by Waters Users Association) P.O. Box 158 Fort Washakie, WY 82514 Telephones: (307) 332-7810 Superintendent (406) 247-7998 Acting Irrigation Project Manager |

Southwest Region Contacts

| Patricia L. Mattingly, Acting Regional Director Bureau of Indian Affairs, Southwest Regional Office 1001 Indian School Road Albuquerque, NM 87104 Telephone: (505) 563-3100 | |
|---|--|
| Project Name | Project/Agency Contacts |
| Pine River Irrigation Project | Priscilla Bancroft, Superintendent Vickie Begay, Irrigation Project Manager P.O. Box 315 Ignacio, CO 81137-0315 Telephones: (970) 563-4511, Superintendent (970) 563-9484, Irrigation Project Manager |

| Western Region Contacts | |
|---|--|
| Bryan Bowker, Regional Director Bureau of Indian Affairs, Western Regional Office 2600 North Central Avenue 4th Floor Mailroom Phoenix, AZ 85004 Telephone: (602) 379-6600 | |
| Project Name | Project/Agency Contacts |
| Colorado River Irrigation Project | Clarence Begay, Acting Superintendent Gary Colvin, Irrigation Project Manager 12124 1st Avenue Parker, AZ 85344 Telephone: (928) 669-7111 |
| Duck Valley Irrigation Project | Joseph McDade, Superintendent (Project operation & management compacted to Tribes) 2719 Argent Avenue, Suite 4, Gateway Plaza Elko, NV 89801 Telephone: (775) 738-5165 (208) 759-3100 (Tribal Office) |

| | |
|--|---|
| Yuma Project, Indian Unit | Denni Shields, Superintendent 256 South Second Avenue, Suite D Yuma, AZ 85364 Telephone: (928) 782-1202 |
| San Carlos Irrigation Project (Indian Works and Joint Works) | Ferris Begay, Project Manager Kyle Varvel, Acting Irrigation Manager 13805 North Arizona Boulevard Coolidge, AZ 85128 Telephone: (520) 723-6225 |
| Uintah Irrigation Project | Antonio Pingree, Acting Superintendent Ken Asay, Irrigation System Manager P.O. Box 130 Fort Duchesne, UT 84026 Telephone: (435) 722-4300 (435) 722-4344 |
| Walker River Irrigation Project | Robert Eben, Superintendent 311 East Washington Street Carson City, NV 89701 Telephone: (775) 887-3500 |

What irrigation assessments or charges are adjusted by this notice?

The rate table below contains the final rates for the 2019 and 2020 calendar years for all irrigation projects where we recover costs of administering, operating, maintaining, and rehabilitating them. An asterisk immediately following the rate category notes the irrigation projects where 2019 or 2020 rates are different from the 2018 and/or 2019 rates.

| Northwest Region Rate Table | | | | |
|------------------------------------|----------------------|--------------------|--------------------|--------------------|
| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
| Flathead Irrigation Project | Basic per acre – A * | \$29.00 | \$33.50 | \$33.50 |

| | | | | |
|--|--------------------------|---------|---------|---------|
| | Basic per acre – B * | \$14.50 | \$16.75 | \$16.75 |
| | Minimum Charge per tract | \$75.00 | \$75.00 | \$75.00 |
| Fort Hall Irrigation Project | Basic per acre * | \$56.00 | \$57.00 | \$58.50 |
| | Minimum Charge per tract | \$39.00 | \$39.00 | \$39.00 |
| Fort Hall Irrigation Project – Minor Units | Basic per acre * | \$35.00 | \$37.00 | \$38.00 |
| | Minimum Charge per tract | \$39.00 | \$39.00 | \$39.00 |
| Fort Hall Irrigation Project – Michaud Unit | Basic per acre * | \$59.50 | \$62.00 | \$63.50 |
| | Pressure per acre * | \$92.50 | \$96.00 | \$98.50 |
| | Minimum Charge per tract | \$39.00 | \$39.00 | \$39.00 |
| Wapato Irrigation Project – Toppenish/Simcoe Units | Minimum Charge per bill | \$25.00 | \$25.00 | \$25.00 |
| | Basic per acre | \$25.00 | \$25.00 | \$25.00 |
| Wapato Irrigation Project – Ahtanum Units | Minimum Charge per bill | \$30.00 | \$30.00 | \$30.00 |
| | Basic per acre | \$30.00 | \$30.00 | \$30.00 |
| Wapato Irrigation Project – Satus Unit | Minimum Charge per bill | \$79.00 | \$79.00 | \$79.00 |
| | “A” Basic per acre | \$79.00 | \$79.00 | \$79.00 |
| | “B” Basic per acre | \$85.00 | \$85.00 | \$85.00 |
| Wapato Irrigation Project – Additional Works | Minimum Charge per bill | \$80.00 | \$80.00 | \$80.00 |
| | Basic per acre | \$80.00 | \$80.00 | \$80.00 |
| Wapato Irrigation Project – Water Rental | Minimum Charge per bill | \$86.00 | \$86.00 | \$86.00 |
| | Basic per acre | \$86.00 | \$86.00 | \$86.00 |

| Rocky Mountain Region Rate Table | | | | |
|----------------------------------|----------------|--------------------|--------------------|--------------------|
| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
| Blackfeet Irrigation Project | Basic per acre | \$20.00 | \$20.00 | \$20.00 |

| | | | | |
|---|------------------|---------|---------|---------|
| Crow Irrigation Project – Willow Creek O&M (includes Agency, Lodge Grass #1, Lodge Grass #2, Reno, Upper Little Horn, and Forty Mile Units) | Basic per acre | \$28.00 | \$28.00 | \$28.00 |
| Crow Irrigation Project – All Others (includes Bighorn, Soap Creek, and Pryor Units) | Basic per acre | \$28.00 | \$28.00 | \$28.00 |
| Crow Irrigation Project – Two Leggins Unit | Basic per acre | \$14.00 | \$14.00 | \$14.00 |
| Crow Irrigation Two Leggins Drainage District | Basic per acre | \$2.00 | \$2.00 | \$2.00 |
| Fort Belknap Irrigation Project | Basic per acre * | \$16.00 | \$16.00 | \$17.00 |
| Fort Peck Irrigation Project | Basic per acre * | \$26.50 | \$27.00 | \$27.00 |
| Wind River Irrigation Project – Units 2, 3 and 4 | Basic per acre * | \$24.00 | \$24.50 | \$25.00 |
| Wind River Irrigation Project – Unit 6 | Basic per acre | \$22.00 | \$22.00 | \$22.00 |
| Wind River Irrigation Project – LeClair District (See Note #1) | Basic per acre | \$47.00 | \$47.00 | \$47.00 |
| Wind River Irrigation Project – Crow Heart Unit | Basic per acre | \$16.50 | \$16.50 | \$16.50 |
| Wind River Irrigation Project – A Canal Unit | Basic per acre | \$16.50 | \$16.50 | \$16.50 |
| Wind River Irrigation Project – Riverton Valley Irrigation District (See Note #1) | Basic per acre | \$30.65 | \$30.65 | \$30.65 |

| Southwest Region Rate Table | | | | |
|-------------------------------|--------------------------|-----------------|-----------------|-----------------|
| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
| Pine River Irrigation Project | Minimum Charge per tract | \$50.00 | \$50.00 | \$50.00 |
| | Basic per acre * | \$20.00 | \$21.00 | \$21.50 |

| Western Region Rate Table | | | | |
|---|--|-----------------|-----------------|-----------------|
| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
| Colorado River Irrigation Project | Basic per acre up to 5.75 acre-feet * | \$54.00 | \$56.50 | \$59.00 |
| | Excess Water per acre-foot over 5.75 acre-feet * | \$17.00 | \$18.00 | \$18.00 |
| Duck Valley Irrigation Project (See Note #2) | Basic per acre | \$5.30 | \$5.30 | (+) |
| Yuma Project, Indian Unit (See Note #3) | Basic per acre up to 5.0 acre-feet * | \$147.00 | \$153.50 | (+) |
| | Excess Water per acre-foot over 5.0 acre-feet | \$30.00 | \$30.00 | (+) |
| | Basic per acre up to 5.0 acre-feet (Ranch 5) * | \$147.00 | \$153.50 | (+) |

| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
|--|--|--------------------------|---|--------------------------------------|
| San Carlos Irrigation Project (Joint Works) (See Note #4) | Basic per acre * | \$27.90 | \$31.25 | \$20.00 |
| | Final 2018, 2019, and 2020 Construction Water Rate Schedule: | | | |
| | | Off Project Construction | On Project Construction – Gravity Water | On Project Construction – Pump Water |
| | Administrative Fee | \$300.00 | \$300.00 | \$300.00 |
| | Usage Fee | \$250.00 per month | No Fee | \$100.00 per acre foot |
| | Excess Water Rate † | \$5.00 per 1,000 gal. | No Charge | No Charge |

| Project Name | Rate Category | Final 2018 Rate | Final 2019 Rate | Final 2020 Rate |
|---|------------------|-----------------|-----------------|-----------------|
| San Carlos Irrigation Project (Indian Works) (See Note #5) | Basic per acre * | \$87.60 | \$95.40 | \$86.00 |
| Uintah Irrigation Project | Basic per acre * | \$20.00 | \$21.00 | \$23.00 |
| | Minimum Bill | \$25.00 | \$25.00 | \$25.00 |
| Walker River Irrigation Project | Basic per acre | \$31.00 | \$31.00 | \$31.00 |

| | |
|---------|---|
| * | Notes irrigation projects where rates are adjusted. |
| + | These rates have not yet been determined; BIA will publish a separate notice for these rates at a later date. |
| † | The excess water rate applies to all water used in excess of 50,000 gallons in any one month. |
| Note #1 | O&M rates for LeClair and Riverton Valley Irrigation Districts apply to Trust lands that are serviced by each irrigation district. The annual O&M rates are based on budgets submitted by LeClair and Riverton Valley Irrigation Districts, respectively. |
| Note #2 | The annual O&M rate is established by the Shoshone-Paiute Tribes who perform O&M under a self-governance compact. |
| Note #3 | The O&M rate for the Yuma Project, Indian Unit has two components. The first component of the O&M rate is established by the Bureau of Reclamation (BOR), the owner and operator of the Project. BOR's rate, which is based upon the annual budget submitted by BOR, is \$150.00 for 2019 but has not been established for 2020. The second component of the O&M rate is established by BIA to cover administrative costs, which includes billing and collections for the Project. The final 2019 and 2020 BIA rate component is \$3.50/acre. |
| Note #4 | The Construction Water Rate Schedule identifies the fees assessed for use of irrigation water for non-irrigation purposes. |
| Note #5 | The Final 2020 O&M rate for the San Carlos Irrigation Project—Indian Works has three components. The first component is the O&M rate established by the San Carlos Irrigation Project—Indian Works, the owner and operator of the Project; this final rate is \$50.00 per acre. The second component is for the O&M rate established by the San Carlos Irrigation Project—Joint Works and is determined to be \$20.00 per acre for 2020. The third component is the O&M rate established by the San Carlos Irrigation Project Joint Control Board and is \$16.00 per acre for 2020. |

Consultation and Coordination with Tribal Governments (Executive Order 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this notice under the Department's consultation policy and under the criteria of Executive Order 13175 and have determined there to be substantial direct effects on federally recognized Tribes because the irrigation projects are located on or associated with Indian reservations. To fulfill its consultation responsibility to Tribes and Tribal organizations, BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, and costs of administration, operation, maintenance, and rehabilitation of projects that concern them. This is

accomplished at the individual irrigation project by project, agency, and regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments are not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish “a rule of particular applicability relating to rates.” 5 U.S.C. 601(2).

Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on state, local, or Tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. They do not have a significant or unique effect on state, local, or Tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Takings (Executive Order 12630)

These rate adjustments do not effect a taking of private property or otherwise have “takings” implications under Executive Order 12630. The rate adjustments do not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, these rate adjustments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement because they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This notice complies with the requirements of Executive Order 12988. Specifically, in issuing this notice, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct as required by section 3 of Executive Order 12988.

Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), under the Paperwork Reduction Act of 1995. BIA has requested revision of the OMB Control Number, which is 1076-0141 and expires June 30, 2019.

National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major

Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969, 42 U.S.C. 4321-4370(d), pursuant to 43 CFR 46.210(i). In addition, the rate adjustments do not present any of the 12 extraordinary circumstances listed at 43 CFR 46.215.

Dated: June 24, 2019.

Tara Sweeney,

Assistant Secretary – Indian Affairs.

[FR Doc. 2019-14824 Filed: 7/11/2019 8:45 am; Publication Date: 7/12/2019]